

S/N 10/055,063

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	GOKCEN	Examiner:	G. NICKOL
Serial No.:	10/055,063	Group Art Unit:	1642
Filed:	JANUARY 22, 2002	Docket No.:	8004.4USC1
Confirmation No.:	6838	Customer No.:	23552
Title:	METHOD AND COMPOSITION FOR TREATING PROSTATE CANCER		

---

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

11-23-04

By: Kay Fahland

Name: Kay Fahland

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Immunolytics Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 7400 Duluth Street, Minneapolis, MN 55427, through the undersigned Attorney of Record, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/055,063, filed on January 22, 2002 and entitled METHOD AND COMPOSITION FOR TREATING PROSTATE CANCER.

Petitioner, Immunolytics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,428,785 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal

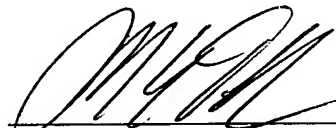
title to U.S. Patent No. 6,428,785, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,428,785, in the event that United States Patent No. 6,428,785 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11/22/04



Mark E. Deffner  
Reg. No. 55,103  
Attorney of Record



**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to \_\_\_\_\_ months.

\_\_\_\_\_  
Petitions Examiner